

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOBBY E. BURTON, JR.,

Plaintiff,

v.

CHARLES WILKINS,

Defendant.

Case No. C15-0864 JCC

ORDER DISMISSING ACTION FOR
FAILURE TO PROSECUTE

This matter comes before the Court on Magistrate Judge James P. Donohue's Report and Recommendation ("Report") to dismiss plaintiff Bobby Burton's prisoner civil rights complaint for failure to prosecute (Dkt. No. 4). Having thoroughly considered Magistrate Judge Donohue's Report and the relevant record, the Court hereby ADOPTS the Report in full and DISMISSES plaintiff's complaint without prejudice for the reasons explained herein.

On June 1, 2015, Mr. Burton filed a prisoner civil rights complaint under 42 U.S.C. § 1983 with Magistrate Judge Donohue. (Dkt. No. 1.) Mr. Burton submitted with his complaint a blank application to proceed *in forma pauperis* and a copy of his prison trust account statement from the Texas Department of Criminal Justice. Id. On June 2, 2015, the Clerk sent Mr. Burton a letter advising him that his submission was deficient because he failed to submit with his complaint either the \$400 filing fee or a completed application for leave to proceed with this

1 action *in forma pauperis*. (Dkt. No. 2.) Mr. Burton was advised that he would have to submit the
2 entire filing fee or a completed application for *in forma pauperis* status on or before July 2, 2015,
3 and that his failure to do so could result in dismissal of this case. Id. The Clerk also sent Mr.
4 Burton the appropriate *in forma pauperis* application form to complete. Id. To this date, Mr.
5 Burton has not submitted the filing fee or a complete application for leave to proceed *in forma*
6 *pauperis*. Because Mr. Burton had “ample time” to comply with the filing fee requirement,
7 Magistrate Judge Donohue recommended on July 22, 2015 that the instant action be dismissed.
(Dkt. No. 4.) Mr. Burton has filed no objection to this recommendation.

8 Because Mr. Burton has neither paid the filing fee nor submitted a complete application
9 for leave to proceed *in forma pauperis*, the Court hereby ADOPTS Magistrate Judge Donohue’s
10 Report in full and orders the following:

- 11 (1) This action is DISMISSED without prejudice for failure to prosecute.
12 (2) The Clerk is directed to send copies of this Order to Mr. Burton and to the
13 Honorable James P. Donohue.

14 DATED this 8 day of September 2015.

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19 JOHN C. COUGHENOUR
20 United States District Judge
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